

PROPOSED BILL

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that section 8312 of title 5, United States Code, is amended by adding at the end thereof the following:

"(d) The Office of Personnel Management, after notice and opportunity for hearing, may deny payment of an annuity to an individual or his or her survivor or beneficiary on the basis of the service of the individual which is creditable toward the annuity if the Office of Personnel Management finds that --

"(1) the individual is convicted of any felony described in subsection (f); and

"(2) the circumstances regarding the commission of the offense and the seriousness of the crime are such that the efficiency and proper administration of the Government would be furthered by the denial of the annuity.

"(e) The Department of Defense, after notice and opportunity for hearing, may deny payment of retired pay to an individual or his or her survivor or beneficiary on the basis of the service of the individual which is creditable toward the retired pay if the Department of Defense finds that --

"(1)(A) the individual is convicted of any felony described in subsection (f) in connection with his or her service as a civilian employee; or

"(B) the individual is convicted of an offense within the purview of a current article of the Uniform Code of Military Justice (or an earlier article on

which the current article is based) on the basis of charges and specifications describing a violation described in subsection (f); and

"(2) the circumstances regarding the commission of the offense and the seriousness of the crime are such that the efficiency and proper administration of the Government would be furthered by the denial of the retired pay.

"(f) Subsections (d) and (e) apply to any violation of federal criminal law listed in regulations which may be promulgated under this subsection by the Attorney General and committed after the promulgation of such regulations (or after the addition of a particular offense through an amendment of the regulations so promulgated). The list of violations in the regulations shall be limited to any offense (other than an offense described in subsections (b) or (c)) which involves:

"(1) intentional misuse of federal public office punishable by imprisonment for a term of 3 or more years;

"(2) intentional violence or injury to another person punishable by imprisonment for a term of 5 or more years if committed in connection with the individual's federal employment;

"(3) intentional damage to or destruction of federal property punishable by imprisonment for a term of 5 or more years if committed in connection with the individual's federal employment;

"(4) the manufacture, distribution, or dispensing, or the possession with intent to manufacture, distribute, or dispense, a controlled substance, punishable by imprisonment for a term of 3 or more years if committed in connection with the individual's federal employment; or

"(5) an attempt or conspiracy to commit any of the above.

For purposes of this subsection, an individual's conduct is intentional if it is the individual's conscious objective or desire to engage in the conduct."

"(g) The Office of Personnel Management and the Department of Defense are authorized to promulgate regulations for implementing their responsibilities under subsections (d), (e) & (f) of this section."